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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/677,135	10/01/2003	David G. Hosie	WEAT/0259.P1 3899		
7	590 04/12/2006		EXAM	INER	
William B. Patterson MOSER, PATTERSON & SHERIDAN, L.L.P. Suite 1500 3040 Post Oak Blvd. Houston, TX 77056			THOMPSON,	THOMPSON, KENNETH L	
			ART UNIT	PAPER NUMBER	
			3672		
			DATE MAILED: 04/12/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)		
Office Action Summary		10/677,135	HOSIE ET AL.		
		Examiner	Art Unit		
		Kenneth Thompson	3672		
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address		
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. O period for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONEI	I. lely filed the mailing date of this communication. O (35 U.S.C. § 133).		
Status					
1)⊠	Responsive to communication(s) filed on 3 Feb	oruary 2006.			
	This action is FINAL . 2b)⊠ This action is non-final.				
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.				
Dispositi	ion of Claims				
5)□ 6)⊠ 7)□	Claim(s) <u>1-6,13-17,61-77 and 80-96</u> is/are penda of the above claim(s) <u>15,16,66,67,74,75,83</u> Claim(s) is/are allowed. Claim(s) <u>1-6,13,14,17,61-65,68-73,76,77,80-82</u> Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	and 84 is/are withdrawn from co 2 and 85-96 is/are rejected.	nsideration.		
Applicati	ion Papers				
10)	The specification is objected to by the Examiner The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the o Replacement drawing sheet(s) including the correcti The oath or declaration is objected to by the Examiner	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).		
Priority u	ınder 35 U.S.C. § 119				
12) a)[Acknowledgment is made of a claim for foreign All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prioric application from the International Bureau See the attached detailed Office action for a list of	s have been received. s have been received in Application ity documents have been receive I (PCT Rule 17.2(a)).	on No d in this National Stage		
Attachmen		_			
2) 🔲 Notic 3) 🔯 Inforr	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date 4/04;9/04.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa 6) Other:			

DETAILED ACTION

The indicated allowability of claims 61-65, 68, 69 and 88-94 is withdrawn in view of the newly discovered references to Berger et al., U.S. 6,157,893 and Tubel, U.S. 6,268,911.

Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 6, 61-63, 69, 81 and 86-94 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al., U.S. 6,157,893.

Regarding claims 1-3, 5, 6, 61, 69, 81, 86 and 94, Berger et al. discloses drill string (6) having a control system (100) and controller (102) for a valve (90) obstructing bore (7) inherently allowing passage of a ball or dart in the open position, wherein the controller includes a sensor system (46) including an optical (col. 10, lines 23 6) sensing a parameter (col. 12, lines 1-7).

As to claim 62, Berger et al. discloses adjusting the trajectory of the drill string while forcing it into the wellbore (col. 3, lines 2-9).

As to claims 63 and 90, Berger et al. discloses in column 16, lines 49-56 adjusting the drilling fluid composition.

As to claim 87, Berger discloses in column 4 lines 30-35 use of a flow rate sensor.

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Regarding claims 88 and 92, Berger et al. discloses in the operation in columns 13 and 14 measuring characteristics using the MWD formation tester of fluid circulated in the drill string (6) and determining the viscosity.

As to claims 89-91 and 93, Berger et al. discloses the fluid is controllably collected without interrupting the drilling process (col. 14, lines 3-10; lines 31-36).

Claims 1, 4, 13, 14, 17, 61, 64, 65, 68, 70-73, 76, 77, 80-82, 85, 95 and 96 are rejected under 35 U.S.C. 102(b) as being anticipated by Tubel, U.S. 6,268,911.

Regarding claims 1, 4, 13, 14, 17, 61, 64, 65, 68, 71-73, 76, 81, 82, 85, 95 and 96, Tubel discloses a casing (606) and drill pipe (608) having a valve (614; col. 16, lines 53-58) obstructing flow through the casing pipe inherently allowing passage of a ball or dart in the open position and an optical sensor (620) capable of sensing a tool vibrations (col. 19, lines 4-8) and acoustic waves caused by seismic activity (col. 8, lines 59).

Regarding claim 70, Tubel et al. discloses a control line (622) passing through the entire length of the casing (606) and valve (614), returning to surface and housed with a conduit (610) As to claim 77, Tubel et al. discloses a plurality of sensors (620).

As to claim 80, Tubel et al. discloses flow rate sensors (col. 3, lines 44-50).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new grounds of rejection.

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Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR on the Formation about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11 April 2006

Kenneth Thompson Primary Examiner Art Unit 3672